

SM

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**FILED  
5/31/2022**

LK

BRANDON Rudolph)  
KIMBLE)  
Plaintiff(s), )  
v. Mariano's/Randy's/Kroger)  
Defendant(s). )

22cv2717  
Judge Mary M. Rowland  
Mag. Judge Beth W. Jantz  
Random Assignment  
Case Number: \_\_\_\_\_

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

**RECEIVED**

MAY 23 2022

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

**COMPLAINT OF EMPLOYMENT DISCRIMINATION**

1. This is an action for employment discrimination.
2. The plaintiff is BRANDON Rudolph-KIMBLE of the county of Cook in the state of Illinois.
3. The defendant is Mariano's/Randy's/Kroger, whose street address is 1615 S. Clark Street, (city) Chicago (county) Cook (state) IL (ZIP) 60616  
(Defendant's telephone number) (414)-231-5000

4. The plaintiff sought employment or was employed by the defendant at (street address)

1615 S. Clark street (city) Chicago  
(county) Cook (state) IL (ZIP code) 60616

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

5. The plaintiff [**check one box**]

- (a)  was denied employment by the defendant.
- (b)  was hired and is still employed by the defendant.
- (c)  was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,  
(month) February, (day) 08, (year) 2022

7.1 (**Choose paragraph 7.1 or 7.2, do not complete both.**)

- (a) The defendant is not a federal governmental agency, and the plaintiff  
[**check one box**]  has  has not filed a charge or charges against the defendant  
asserting the acts of discrimination indicated in this complaint with any of the  
following government agencies:
  - (i)  the United States Equal Employment Opportunity Commission, on or about  
(month) 04 (day) 26 (year) 2022
  - (ii)  the Illinois Department of Human Rights, on or about  
(month) 04 (day) 26 (year) 2022
- (b) If charges *were* filed with an agency indicated above, a copy of the charge is  
attached.  Yes,  No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois  
Department of Human Rights to cross-file with the other agency all charges received. The  
plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

defendant asserting the acts of discrimination indicated in this court complaint.

Yes (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_

No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) \_\_\_\_\_  
(day) \_\_\_\_\_ (year) \_\_\_\_\_.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

Yes     No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

Yes     N0, but a copy will be filed within 14 days.

8. (*Complete paragraph 8 only if defendant is not a federal governmental agency.*)

(a)  the United States Equal Employment Opportunity Commission has not  
issued a *Notice of Right to Sue*.

(b)  the United States Equal Employment Opportunity Commission has issued  
a *Notice of Right to Sue*, which was received by the plaintiff on  
(month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_ a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [**check only those that apply**]:

(a)  Age (Age Discrimination Employment Act).

(b)  Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

- (c)  Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d)  National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e)  Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f)  Religion (Title VII of the Civil Rights Act of 1964)
- (g)  Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [**check only those that apply**]

- (a)  failed to hire the plaintiff.
- (b)  terminated the plaintiff's employment.
- (c)  failed to promote the plaintiff.
- (d)  failed to reasonably accommodate the plaintiff's religion.
- (e)  failed to reasonably accommodate the plaintiff's disabilities.
- (f)  failed to stop harassment;
- (g)  retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h)  other (specify): BAN THE BOX ACT

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Employment termination was illegal because of 'BANTHEBOX' to decide the criminal background for interview before termination of my job, plus I never got a copy of background report upon request!!!

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Sexual harassment was when human resource made comment about my skin color and made comment about my "penis" size to another coworker, also my job employment for promotion was basis for sexual Harrasment and discrimination along with my termination of criminal background.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury.  Yes  No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff  
[check only those that apply]

- (a)  Direct the defendant to hire the plaintiff.
- (b)  Direct the defendant to re-employ the plaintiff.
- (c)  Direct the defendant to promote the plaintiff.
- (d)  Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e)  Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f)  Direct the defendant to (specify): To pay punitive damage for \$2,000,000.00 dollars for Recklessness and Intended Torture

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Also I was in Emotional distress, Loss enjoyment for life, Mental Anguish, The defendant caused me homelessness as well, this promoted my family to breakup Loosing my job.

- (g)  If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h)  Grant such other relief as the Court may find appropriate.

Brandon Rudolph-Kimble  
(Plaintiff's signature)

BRANDON Rudolph KIMBLE  
(Plaintiff's name)

211 E. Delaware PL unit 206 Chicago, Illinois 60611  
(Plaintiff's street address)

(City) Chicago (State) IL (ZIP) 60611

(Plaintiff's telephone number) 708-970-9695

Date: 05/03/2022

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Mariano's Associate: Brandon Rudolph-Kimble.

ATTN: Kroger HR, Kroger HeadQuarters, Kroger Executive Team.

Date: March 15, 2022.

Subject Matter: Sexual Harrasment ACT, OSHA ACT, Fair Credit ACT Human Rights ACT, EEOC ACT, BanTheBox ACT!!!

### **FACTS**

Hi, Kroger Headquarters my name is Brandon Rudolph-Kimble, I am a former associate of Mariano's, a Kroger facility subsidiary. I was hired february 8, 2022. There, I have had a recent encounter of misconduct and harassment with multiple violations against myself from human resources and other team members of Mariano's/Kroger! One in particular that hired me was Crystal M. Human Resources Manager of 1612 clark street Chicago, Illinois 60615. I was interviewed in January 2022 for a position I applied online at another location but was ultimately offered a position by Crystal M.-H.R. to work overnight 3AM-10AM shift Meat/Deli Level #3 Leader for \$16.35 per hour Full Time Contract. I was Told by Crystal M. also to wait until my "Criminal Background" Check comes back at 100% to start work orientation. I did this and waited nearly 14 days and or more until my background check came back for clearance. I would call Crystal M.-H.R. during the wait days to make sure I was able to start. I was told by Crystal M.-H.R. to continue waiting until Criminal Background check clears at 100% then Mariano's can proceed to hire Brandon Rudolph-Kimble, to become Associate! I was then called that Tuesday

February 6, 2022 to come in February 8, 2022 to sign Mariano's Employment Offer and do online Mariano's Associate Assessment like OSHA and EEOC ACT! I was told by Crystal M. I am leadership so I have to do the Meat Deli certification exam and training doing power jack certification exam! I noticed on February 8, 2022 afternoon with Crystal M.-H.R. when everything was going well with orientation comment "We have a new hire his name is Brandon Kimble beautiful skin I would fuck him I wonder he got a Big dick or not and he is working in Meat Deli Department"!!! I overheard this, while I was looking to get back to the cubital, where I was working, and I got lost and turned around at the clockINstation box, where the cubital is located is where I heard this message: Crystal M.-H.R. could not see me listening to this comment by her and another associate! I did not report the comment in fear of losing my job honestly and I was not pleased by what I heard. I felt violated because of Crystal M.-H.R. made the comments and also felt that If I told someone about this Comment Crystal M. made, this Kroger/Mariano's location would be an Intimidating Hostile Environment with interference of my ability to do my job and provide for my family!! I should have reported this though on the day February 8, 2022 But I did not out of Fear of My job! Going Forward I was never trained to do Power Jack Lifting or did the exam at all due to the Store Manager Ziam putting the training off, but I was told to use the Power Jack Lift by Management without Training and Exam Certification that "its okay nobody's follow laws around here in Mariano's"! This is against Occupational Safety Health Administration Laws in that State of Illinois and also against employees Mariano's/Kroger facilities at all cost! At this time of nearly working 2 weeks into the facility, I felt I was working in an intimidating hostile working environment and a very offensive one as well. Fast Forward to March 15,2022 Tuesday I was told by a fellow coworker/Butcher

that Crystal M.-H.R. want to speak to you after your shift is over at 10 AM that morning. I went to the cubital where Crystal M. was located and had asked her if anything she needed from me , Crystal M proceeded to Say “ Brandon you are Terminated Here's the Email Thread, and here's a witness Jermaine-Mariano’s Associate, and to call Mariano’s Hotline in Milwaukee to file complaint and your job is not eligible for rehire”! Crystal M. then walked away from Me with Jermaine -Mariano’s Associate with no more response! I was Angry and Confused because I did not see this coming and I have a family to Feed. These Email Threads for I brandon Rudolph-kimble are against “Ban the Box Law” in the State of Illinois I have a copy of the Email thread and it states that I’m not eligible for rehire and “Criminal Background” was the reason and cause of termination at Mariano’s/Kroger! According to the “Ban the Box Law” of Illinois, Mariano’s/Kroger are to perform an interview individual assessment considering the following mitigating factors 1.)The law of the conviction 2.) The number of convictions on record 3.) The nature and severity of the conviction 4.) The facts /circumstances surrounding the conviction 5.) The age of the employee at the time of the conviction is 6.) Evidence of rehabilitation Efforts. I was not counseled or interviewed about this Law at all by H.R.-Crystal M. At Mariano's/Kroger and this is against the law of Illinois State! With That being said also I was not given my “Criminal Background”Record that also violated “Ban the Box Law” “EEOC ACT” and against state of Illinois Law being a Employee of Mariano’s/Kroger! These claims have caused multiple violations and Has Been a Total Discrimnation against Brandon Rudolph-Kimble and against the Illinois state Laws at Mariano’s/Kroger. I have received Retaliation TortMotivation because I was looking to grow and level up to #4 within leadership at Mariano’s then this Termination comes up for “Criminal Background” with no review process considered , then I had the Sexual

Harrasment Comments about me from H.R-Crystal M on February 8, 2022 which made me feel at that time my employment was upon submission for sexual conduct/basis employment decision. I have a wife and A Baby Girl ,April Due for Delivery, and my employment status has been nothing but Shattering to my family and Aggravating to myself! I have become "HOMELESS" because I don't have any money to continue paying my bills and utilities at my former residences and I have been evicted due to these circumstances!! These issues at Mariano's/Kroger have made my life unstable and caused Health Stress on blood pressure high and Mental Anguish/ Emotional Distress where I don't feel worthy to go back to work anywhere to work or even apply myself!!!I have not been able to sleep at all because I was terminated illegally by Mariano's/Kroger, and im trying to figure how to take care of my Family and Marital status as of right now because this termination and Discrimination!!!! It's Covid-19 precautions still there at the location store 1615 South clark street Chicago,Illinois 60615 Mariano's/Kroger and I put my life on the line to work, not to get discriminated Post Hire for criminal background or and sexualharrasment along with Equal Opportunity rights violated within 37 days of working! I have been in and out of Emergency Rooms because of Mariano's/Kroger trying to keep from stressing about My Termination from Mariano's/Kroger Facility. Also I can no longer shop at the location 1612 South Clark street Chicago, Illinois 60615 store Mariano's/Kroger because my Name has got around do to "Gossip" that i was terminated due to Criminal Background check and this is has caused a breach with fiduciary from Mariano's/Kroger about my termination of contract, the illegal way it was handled and my human rights violated as well!!! I am seeking Award Compensation From Mariano's/Kroger immediately to April 30, 2022 of this for \$2,000,000.00 due to Sexual Harrasment Act, Ban The Box Act, EEOC Act,

OSHA Act. Myself Brandon Rudolph-Kimble and My Attorney are willing to mediate for settlement now up until May05, 2022 im willing to come in person to discuss agreement or through GOGLE MEET video via chat! If I don't hear and receive settlement from Mariano's/Kroger Executives, Senior Management, and or Board Directors I will proceed with Lawsuits against the companies Immediately for all these Violations May 05, 2022! My contact is 708-970-9675 Email is rudolphkimblebrandon@gmail.com ,Thanks In Advance Sincerely Brandon Rudolph-Kimble...

Also, This termination is considered  
wrongful discharge/ termination against  
BRANDON Rudolph-KIMBLE! I never  
Received my PAID TIME off check  
remainder balance at all, according  
Wage Payment collector ACT this considered  
Wage Theft! According to Job opportunities  
for Qualified Applicants ACT , I BRANDON  
Rudolph-KIMBLE was discriminated with  
unlawfulness because OR when they offered  
employment I was told Criminal background  
was clear to start work<sup>IWSI</sup> I was interviewed  
with 5 day notice about Not  
and to give me a chance to prove my innocence  
to keep my employment from termination.

## FACTS...

Another thing I was sexually harrassed  
on February 8, 2022 concerning my RACE  
age, Sexuality, gender, and I was defamation  
in character as well... Crystal M completed  
statement by saying "you know Brandon  
is from Atlanta, but you know all the  
Blackmen are gay girl, so you have to be  
careful, he might be gay! I overheard as  
well from Crystal M. commenting to front  
desk associate this about myself Brandon  
Rudolph-KIMBLE while it was around the  
clock in-out Box station and cubicles!!!  
I am seeking \$2,000,000.00 dollar Award  
Compensation from Marrano's Roundys/Kroger  
about this horrific CASE of series of violations  
against myself BRANDON Rudolph-KIMBLE